

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

PAUL LOUTZENHISER, NO. C-11-2925 TEH (PR)

Plaintiff,

**ORDER GRANTING DEFENDANT**

v.

ORDER GRANTING DEFENDANTS' MOTION TO VACATE SETTLEMENT PROCEEDINGS

R. GROUNDS, et al.,

Doc. no. 61

## Defendants.

15 Plaintiff, an inmate at the Correctional Training Facility  
16 in Soledad, California (CTF), filed a pro se civil rights action  
17 under 42 U.S.C. § 1983, and the Americans with Disabilities Act of  
18 1990, 42 U.S.C. § 12101 et seq. (ADA). On September 17, 2014, the  
19 Court entered an order granting in part and denying in part  
20 defendants' motion for summary judgment. The Court found the  
21 remaining claims suitable for referral to settlement proceedings  
22 before Magistrate Judge Nandor Vadas. A settlement conference  
23 currently is set for February 11, 2015. Before the Court is  
24 defendants' request that the Court vacate the settlement conference  
25 and permit them to file a second motion for summary judgment based  
26 on an expanded factual record. After considering the moving papers  
27 and all other matters presented to the Court, defendants' motion to  
28 vacate the settlement conference is hereby GRANTED.

1           In order to expedite the resolution of this case, the  
2 Court orders as follows:

3           a. No later than sixty (60) days from the date this order  
4 is filed, defendants shall file a second motion for summary  
5 judgment. The second motion for summary judgment also must be  
6 accompanied by a Rand notice so that plaintiff will have fair,  
7 timely and adequate notice of what is required of him in order to  
8 oppose the motion. Woods v. Carey, 684 F.3d 934, 939 (9th Cir.  
9 2012) (notice requirement set out in Rand v. Rowland, 154 F.3d 952  
10 (9th Cir. 1998), must be served concurrently with motion for summary  
11 judgment).

12           b. Plaintiff's opposition to the summary judgment motion,  
13 if any, shall be filed with the Court and served upon defendants no  
14 later than twenty-eight (28) days from the date the motion is filed.

15           c. Defendants shall file a reply brief no later than  
16 fourteen (14) days after the date the opposition is filed.

17           d. The motion shall be deemed submitted as of the date  
18 the reply brief is due. No hearing will be held on the motion  
19 unless the Court so orders at a later date.

20           The Clerk is directed to serve Magistrate Judge Vadas with  
21 a copy of this order.

22           This order terminates docket number 61.

23           IT IS SO ORDERED.

24           DATED 01/20/2015

  
25           THELTON E. HENDERSON  
26           United States District Judge